From: <u>charles.castner@daimlertruck.com</u>

To: <u>Mosley-Moore, Whitney L.</u>

Subject: Re: Response Requested - 10-CA-286600 (Daimler, Cleveland, NC)

Date: Friday, January 14, 2022 2:51:59 PM

Thanks. (b) (6), (b) (7)(C)

but will file a position

statement by Tuesday.

Sent from my iPhone

On Jan 14, 2022, at 11:48 AM, Mosley-Moore, Whitney L. <Whitney.Mosley-Moore@nlrb.gov> wrote:

Mr. Castner:

It was a pleasure speaking with you yesterday. (b) (6), (b) (7)(C)

Please note that if Daimler wishes the Region to consider their position, we need a position statement absolutely no later than 5 pm on Tuesday.

Sincerely,

Whitney L. Mosley-Moore

Field Attorney

National Labor Relations Board - Subregion 11

4035 University Parkway, Suite 200

Winston-Salem, NC 27106-3325

Office: (336) 582-7126 *Fax*: (336) 631-5210

From: charles.castner@daimlertruck.com <charles.castner@daimlertruck.com>

Sent: Thursday, January 6, 2022 11:49:09 AM

To: Mosley-Moore, Whitney L. <Whitney.Mosley-Moore@nlrb.gov>

Subject: RE: Response Requested - 10-CA-286600 (Daimler, Cleveland, NC)

Ms. Mosley-Moore,

I just left you a voicemail message, but wanted to follow-up with an email. I apologize for not responding in December prior to our shutdown. We were out for about 2 weeks just having returned on Tuesday, 1/4/2022.

I am not sure what to do on this charge, because we have been responding to another charge, 10-CA-284957, that is basically the exact same charge. We were served by the Board with a Complaint and Notice of Hearing in that matter on December 27, 2021

and are working on a response to that at this time. If you could give me a call to discuss, I would appreciate it.

Kind regards,

Charles F. Castner
Associate General Counsel & Privacy Officer
Legal Department
Daimler Trucks North America LLC
HQ637B-LGL
4555 N. Channel Ave.
Portland, OR 97217

Phone: 503.745.5965 Fax: 503.745.5999 Mobile: 843.754.3334

Email: <u>Charles.Castner@daimler.com</u>

http://www.daimler-trucksnorthamerica.com

From: Mosley-Moore, Whitney L. <Whitney.Mosley-Moore@nlrb.gov>

Sent: Wednesday, January 05, 2022 1:09 PM

To: Castner, Charles (164) [DT] <charles.castner@daimler.com>

Subject: RE: Response Requested - 10-CA-286600 (Daimler, Cleveland, NC)

Importance: High

Mr. Castner:

I hope you had a great holiday season.

On December 10, I emailed you requesting information regarding the abovereferenced case. The deadline to respond was December 21.

Please provide a response by Monday, January 11, 2022.

Should you have any questions, please call or email.

Sincerely,

Whitney L. Mosley-Moore
Field Attorney
National Labor Relations Board - Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106-3325

Office: (336) 582-7126 Fax: (336) 631-5210

Click <u>here</u> to E-FILE documents, charges, and petitions.

From: charles.castner@daimlertruck.com

Sent: Friday, December 10, 2021 4:17 PM

To: Mosley-Moore, Whitney L. < whitney L. < whitney L. < whitney L. < whitney Mosley-Moore@nlrb.gov>

Subject: RE: Response Requested - 10-CA-286600 (Daimler, Cleveland, NC)

I just noticed that, but knew that the letter itself was on target.

Kind regards,

Charles F. Castner
Associate General Counsel & Privacy Officer
Legal Department
Daimler Trucks North America LLC
HQ637B-LGL
4555 N. Channel Ave.
Portland, OR 97217

Phone: 503.745.5965 Fax: 503.745.5999 Mobile: 843.754.3334

Email: <u>Charles.Castner@daimler.com</u>

http://www.daimler-trucksnorthamerica.com

From: Mosley-Moore, Whitney L. < Whitney.Mosley-Moore@nlrb.gov>

Sent: Friday, December 10, 2021 1:16 PM

To: Castner, Charles (164) [DT] < charles.castner@daimler.com>

Subject: RE: Response Requested - 10-CA-286600 (Daimler, Cleveland, NC)

Mr. Castner:

Please disregard the subject line of the previous email.

However, the contents of the email are applicable.

Thanks,

Whitney L. Mosley-Moore Field Attorney National Labor Relations Board - Subregion 11 4035 University Parkway, Suite 200 Winston-Salem, NC 27106-3325

Office: (336) 582-7126 *Fax*: (336) 631-5210

Click <u>here</u> to E-FILE documents, charges, and petitions.

From: Mosley-Moore, Whitney L.

Sent: Friday, December 10, 2021 4:07 PM

To: charles.castner@daimler.com

Subject: Response Requested - 10-CB-285749 (USW, Local 508, Charleston, SC)

Mr. Castner:

I hope this email finds you well and in good health and spirits.

Please find attached an EAJA letter in regard to the aforementioned case.

Please e-file a response by **December 21, 2021**.

Should you have any questions, please call or email.

Sincerely,

Whitney L. Mosley-Moore Field Attorney National Labor Relations Board - Subregion 11 4035 University Parkway, Suite 200 Winston-Salem, NC 27106-3325

Office: (336) 582-7126 *Fax*: (336) 631-5210

Click here to E-FILE documents, charges, and petitions.

If you are not the addressee, please inform us immediately that you have received this email by mistake, and delete it. We thank you for your support.

If you are not the addressee, please inform us immediately that you have received this email by mistake, and delete it. We thank you for your support.

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

Daimler Trucks North America Charles F. Castner Associate General Counsel

January 18, 2022

VIA EMAIL

Whitney L. Mosley-Moore Field Attorney National Labor Relations Board Subregion 11 4035 University Pkwy, Suite 200 Winston Salem, NC 27106-3275

RE: Daimler Trucks North America LLC Case 10-CA-286600

Dear Ms. Whitley-Moore:

Please accept the following, together with the designated attachments, as Daimler Trucks North America LLC's ("DTNA") position statement in response to the above-referenced Charge as well as the NLRB's letter requesting specific information. In this charge, just as it did in its previous charge 10-CA-284957, the UAW Local 3520 alleges that (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), violated Section 8(a)(5) of the National Labor Relations Act (the "Act") by failing and refusing to bargain in good faith over: (1) the Union's request on November 4, 2021, seeking the October 2021 Truck Conversion costs for the Saltillo and Santiago plants; and (2) the Union's request on November 16, 2021 for information concerning details of what caused the November 9, 2021 shutdown, including the vendor and part numbers of the harness, as well as details of what caused the shortage including vendor scheduling, vendor manpower, vendor ability to get the necessary parts for the harness, and any shipping issues.

In response to the Charging Party's allegations and to the NLRB's request for specific information and documents, the following information is provided:

1. State the Employer's position regarding the [] allegation[s].

RESPONSE: DTNA admits that it has not provided the Union with the requested TCC numbers, but the Company has advised the Union that it will not provide those cost numbers now that it is a publicly traded company and subject to SEC regulations. Moreover, the information requested is completely irrelevant to the BLA at issue. As to the second part of the allegations, DTNA avers that it provided the

Daim ler Trucks North America LLC 4555 N Channel Ave , HQ637B-LGL Portland , QR 972 17 503 745 5965 Phone 503 745-5999 Fax charles castner@daimler com

requested information to the Union, which the Union accepted and signed off on the November 2021 BLA.

2. The Union alleges that requested information of the October 2021 truck conversion cost (TCC) for the Saltillo and Santiago plants has not been supplied to (b) (6), (b) (7)(C). Please respond why this item has not been provided. To the extent an item was provided please specifically indicate which item was provided, when it was provided, to whom it was provided, and method the information was provided. (i.e., in person, email, fax, express mail, etc.)

RESPONSE: As explained above, the Company advised (b) (6), (b) (7)(C) and the Union that it will not provide those cost numbers now that it is a publicly traded company and subject to SEC regulations.

3. State whether the Employer received an information request from the Union on November 16, 2021 regarding details of the November 9, 2021 shutdown. If so, state who received the Union's information request; method by which the Union made its request; and when the Employer received the request. To the extent information was provided, please specifically indicate what information was provided, when it was provided, to whom it was provided, and method the information was provided. (i.e., in person, email, fax, express mail, etc.)

RESPONSE: The Employer did receive an information request from the Union on November 16, 2021, regarding details of the November 9, 2021 shutdown, as well as a follow-up request on November 30, 2021, which (b) (6), (b) (7)(C) responded to on December 2, 2021 (see Exhibit 1). The Union accepted the information provided and signed off on the November 2021 BLA (see Exhibit 2).

4. All documentation related to the information requests at issue.

RESPONSE: See Exhibits 1 and 2.

5. A copy of the information requests containing evidence of (b) (6), (b) (7)(C) November 4 and November 16, information requests.

RESPONSE: See Exhibit 1.

6. Any other information or evidence you wish to be considered.

RESPONSE: N/A

7. Include any relevant case law you may have in support of the Employer's position and arguments.

RESPONSE: N/A

DTNA has attempted to work with the Union by providing them with as much information as it can relating to the supply chain shortages that have resulted in the shutdowns/non-production days. Moreover, the Company has gone above its contractual obligations. The Company has worked hard to ensure that the supply chain shortages have no or little negative impact on our employees at the

Cleveland TMP. When shutdown days/weeks occurred, the bargaining unit employees were offered the opportunity to volunteer to come in to work to help with recovery or other activities. If they chose not to work, then they could take the time off unpaid with no penalty (ACP or bonus) or they could choose to use available paid time (Vacation, PTO, Sick).

If you have any questions or need anything further, please do not hesitate to contact me at (503) 745-5965 or via email at charles.castner@daimler.com.

Sincerely,

Charles F. Castner

Charles F. Castner Associate General Counsel Daimler Trucks North America LLC

Exhibits 1-2

From: (b) (6), (b) (7)(C) (164) [DT]

Sent: Thursday, December 02, 2021 8:28 AM

To: (b) (6), (b) (7)(C) (164) [DT]

Subject: RE: Official Information Request

, this the information I have that resulted in the shutdown day on November 9th:

- o On November 8, we were short 8 WJ harnesses that required pulls and moves between A and B line resulting in downtime loss of 5 trucks
- o Main cab harnesses needed for November 9th not here on the 8th and not able to get them to us in time to run on the 9th resulting in canceling production for November 9th
- Vendor is PKC
- o Ongoing air charters were utilized and continue to be utilized but not enough to offset delays in the actual harness build
- Connector shortages have contributed to the manufacturing delays at PKC
- o I have no information on vendor scheduling, vendor manpower, vendor ability to get parts needed for these specific type of vehicle's harnesses, shipping issues, etc.
- o As discussed this morning, each harness is serial number specific and comprised of up to 100 individual part numbers

From: (b) (6), (b) (7)(C) (164) [DT] (b) (6), (b) (7)(C) @daimler.com>

Sent: Tuesday, November 30, 2021 8:47 AM

To: (b) (6), (b) (7)(C) (164) [DT] (b) (6), (b) (7)(C) @daimler.com>

Subject: Official Information Request

Good Morning

As November is about to end I need the information requested below in order to properly evaluate the Company not running production on November 9, 2021 in relation to meeting the contractually obligated BLA for the month of November 2021. Please advise.

Thank you, (b) (6), (b) (7)(C) UAW Local 3520 (b) (6), (b) (7)(C) Office (b) (6), (b) (7)(C)

"Trust, Loyalty, & Respect; lose one and you've lost all three"

DAIMLER

From: (b) (6), (b) (7)(C) (164) [DT]

Sent: Tuesday, November 16, 2021 1:01 PM

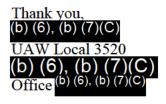
To: (b) (6), (b) (7)(C) @daimler.com) (b) (6), (b) (7)(C) @daimler.com>

Subject: Official Information Request

Good Afternoon (b) (6), (b) (7)

The Union needs more details regarding the reason for Cleveland not running production on 11/9/21. We were told it was due to Wolkpack cab harnesses being short. We need to know what caused the shortage, as well as the vendor and part numbers of

the harnesses that was severe enough to cause the shutdown. In regards to the cause of the shortage, we are looking for information like vendor scheduling, vendor manpower, vendor ability to get parts needed for these specific type of vehicle's harnesses, shipping issues, etc. What led to a severe enough shortage to cause Cleveland to lose an entire day of production? We need this information in order to properly evaluate if this lost production day (work day) is a violation of the Contract, or justifiable by the contractual language. Please provide the requested information by end of business 11/18/21. I feel this is ample time since I informed you that I needed to know this via our text conversation on Monday, November 8, 2021.



"Trust, Loyalty, & Respect; lose one and you've lost all three"

DAIMLER

Daimler Trucks North America

Cleveland TMP Base Level Average Report

Cleveland TMP Base Level Average Report

Based on the 2018 Labor Agreement LOU Job Security-Cleveland TMP the Base Level Average (BLA) is calculated by dividing the total number of Trucks built in the calendar month by the number of Work Days in the same calendar month as those terms are defined in the letter of understanding.

Reporting Month-Year: November-2021

Trucks built: (b) (4)
Work Days:
BLA:

-1 Day for November 9

-0.26 Days for November 30

Reviewed and agreed upon by the Company:

(b) (c), (b) (7)(C)

(b) (6), (b) (7)(C)

Date: 1 × / 3/2/

Date: <u>/2/6/21</u>

On November 8, we were short 8 WJ harnesses from PKC that required pulls and moves between A and 8 line resulting in downtime loss of 5 trucks — Dol not affect calculation (b) (6), (b) (7)(C)

Main cab harnesses needed for November 9th not here on the 8th and not able to get them to us in time to run on the 9th resulting in canceling production for November 9th

Ongoing air charters were utilized and continue to be utilized but not enough to offset delays in the actual harness build

November 30 - Cab ASRS downtime from 7:30 to 11:30 resulted in emptying final cab in process and sending chassis lines home at around 1:00PM. This equates to 21 trucks lost or .26 days of production.

```
PLANT ACTIVITY
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(b) (6), (b) (7)(C) (590) [DT]

From: (b) (6), (b) (7)(C) (164) [DT]

 Sent:
 Tuesday, March 1, 2022 4:27 PM

 To:
 (b) (6), (b) (7)(C) (590) [DT]

 Cc:
 (b) (6), (b) (7)(C) (590) [DT]

 Subject:
 FW: TCC CLE SAL SAN

As requested.

From: (b) (6), (b) (7)(C) @daimler.com>

Sent: Tuesday, March 1, 2022 10:08 AM

To:(b) (6), (b) (7)(C) @daimler.com>

Subject: TCC CLE SAL SAN

Per your request:

TCC Jul 2021 to Jan 2022

 2021
 2021
 2021
 2021
 2021
 2021

 Jul
 Aug
 Sep
 Oct
 Nov
 Dec

Cleveland Saltillo Santlago (b) (4)

(b) (6), (b) (7)(C)

DAIMLER TRUCK | North America

P: (b) (6), (b) (7)(C) C: (b) (6), (b) (7)(C)

(b) (b), (b) (1)(C) @DaimlerTruck.com

CERTIFICATION OF COMPLIANCE

Due Date: March 1, 2022

RE: DAIMLER TRUCKS NORTH AMERICA, LLC Case(s) 10-CA-284957,10-CA-286600

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Provided Information

	Party) that it	requested to	mployer has provided the relevan represent the employees, includi 1, October 1, 2021, and Novembe	ing information	
Name of the Union:_	VAW	Local	3520		

A copy of the correspondence addressed to the Charging Party when the above information was transmitted to the Charging Party has been e-filed.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY (b) (6), (b) (7)(C) By: Title: Date: 3 (1 /2022

This form should be returned to the Centralized Compliance Unit via e-file. Please do not e-mail or physically send hard copies of the Certification of Compliance form at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.

CERTIFICATION OF POSTING

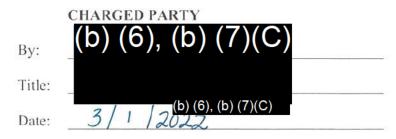
DAIMLER TRUCKS NORTH AMERICA, LLC Due Date: March 1, 2022 Case(s) 10-CA-284957,10-CA-286600

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply

with this Certification.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.



This form should be returned to the Centralized Compliance Unit together with ONE original Notice, dated and signed in the same manner as those posted. The Certification of Posting form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting form or Notice at this time. If you need assistance in e-filing case documents, please contact the Assistant assigned to this case.



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT fail to promptly provide, or unreasonably delay in providing United Automobile, Aerospace, and Agricultural Implement Workers of America, AFL-ClO, Local 3520 (Union), with relevant information that it needs to represent you as the exclusive collective-bargaining representative for our employees in the following unit:

Production, Plant Clericals and Maintenance employees at its production facility located at 11550 Statesville Boulevard, Cleveland, North Carolina, and at its Cleveland CTS located at 11710 Statesville Blvd., Cleveland, North Carolina, excluding supervisors and guards as defined by the Act.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of your rights under the National Labor Relations Act.

WE WILL promptly provide the Union with relevant information that it requested to represent you, including the information that it requested on September 8, 2021 (parts driving the Cleveland plant shutdowns); and on October 1, 2021, and November 4, 2021 (Truck Conversion Costs).

DAIMLER TRUCKS NORTH AMERICA, LLC (Employer)

Dated: 2/23/2022 By

(b) (6), (b) (7)(C)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-726-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at https://www.federalrelay.us/tty (link is external), calling one of its toll-free numbers and asking it Communication Assistant to call our toll-free number at 1-844-762-NLRB(6572).

COMPLIANCE ASSISTANT RHONDA KRAMIG NATIONAL LABOR RELATIONS BOARD 550 MAIN STREET, ROOM 3-111 TELEPHONE: (513) 684-3692 HOURS OF OPERATION: 8:00 a.m. to 4:30 p.m.

JOHN WELD PECK FEDERAL BLDG, CINCINNATI, OH 45202-3271

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Assistant Rhonda Kramig.

(b) (6), (b) (7)(C)₍₅₉₀₎ [DT]

From: Sent: To: (b) (6), (b) (7)(C) (590) [DT]

Tuesday, March 1, 2022 2:35 PM (b) (6), (b) (7)(C)

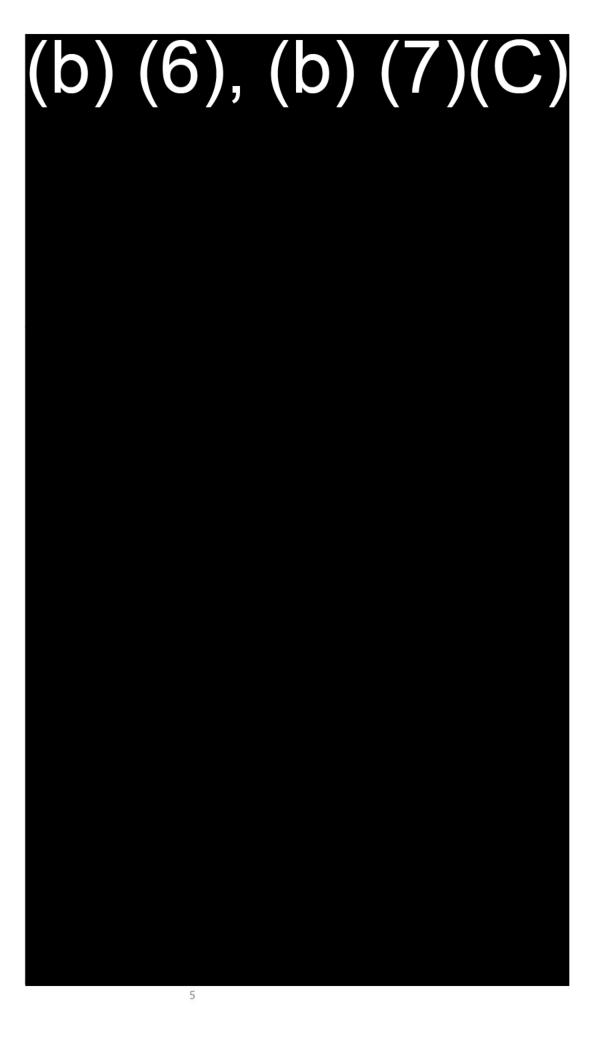
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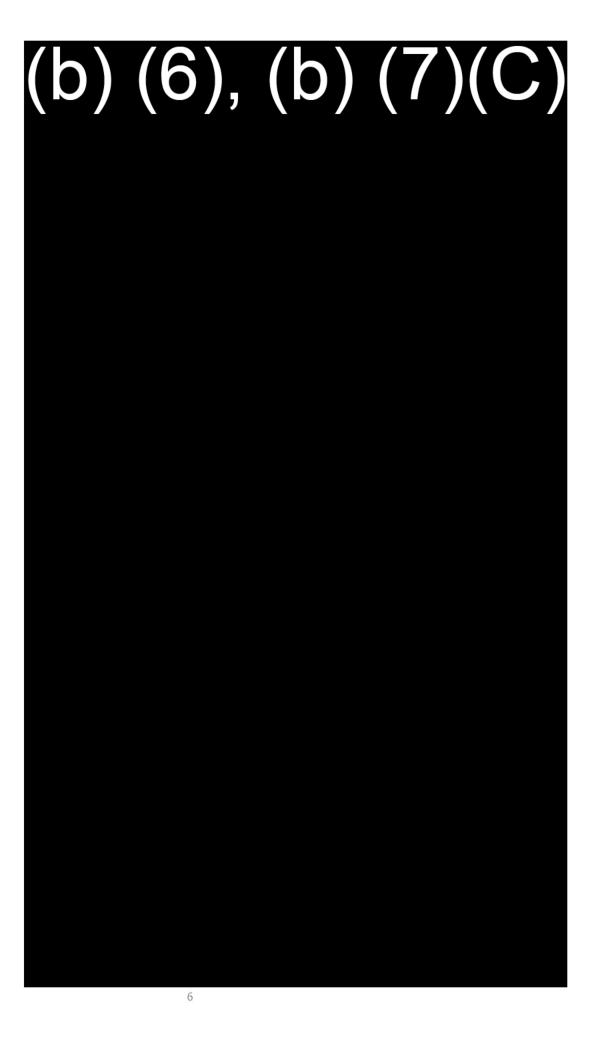


- То:

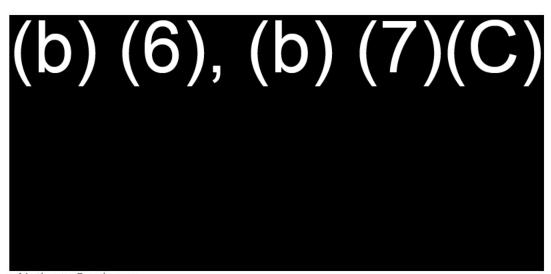












Subject:

Attachments:

Notice to Employees Notice to Employees.pdf

CLE Team,

We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director 10 of the National Labor Relations Board in Cases 10-CA-284957 and Case 10-CA-286600.

Best Regards,
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) <u>@daimlertruck.com</u>

To: Kramiq, Rhonda L.

Cc: (b) (6), (b) @daimlertruck.com; charles.castner@daimlertruck.com

Subject: DAIMLER TRUCKS NORTH AMERICA, LLC - Case 10-CA-284957, 10-CA-286600

Date: Tuesday, April 26, 2022 3:20:01 PM

Attachments: <u>image001.png</u>

image2022-04-26-145536.pdf

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to nlrbirc@nlrb.gov.

Good afternoon,

Please see attached completed Conformation of 60-day posting. Thanks!

Kind Regards,

(b) (6), (b) (7)(C)

Daimler Truck North America Cleveland Truck Manufacturing Plant 11550 Statesville Blvd Cleveland, NC 27013 (b) (6), (b) (7)(C)

PLEASE NOTE – MY EMAIL WILL BE CHANGING TO (b) (6), (b) (7)(C) @daimlertruck.com – PLEASE UPDATE



If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

CONFIRMATION OF 60-DAY POSTING

DAIMLER TRUCKS NORTH AMERICA, LLC Case 10-CA-284957

DAIMLER TRUCKS NORTH AMERICA, LLC Case 10-CA-286600

The Notice to Employees provided by the National Labor Relations Board in the above matter remained continuously and conspicuously posted for at least 60 days.

CHARGED PARTY/RESPONDENT

By: (b) (6), (b) (7)(C)

Date: 4/26/2022